THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.431 of 2006

Date:06.01.2006

Between:

Smt. T.S.Neeraja

-------PETITIONER

AND

The Superintending Engineer.

---------RESPONDENT

ORDER:

The petitioner is functioning as Sub-Engineer in the office of the Superintending Engineer, Southern Power Distribution Company of A.P. Limited, Tirupathi. On 18.01.2005, she was found receiving illegal gratification in a trap laid against her. She has been placed under suspension on the next day. She is said to have been arrested and released soon thereafter. It is her case that in Crime No.2/RCT-TCT/2005 before the Special Judge for SPE/ACB Cases, instituted against her, a charge sheet has been filed on 25.10.2005. She contends that no departmental proceedings were initiated against her and that once the charge sheet has been filed, necessity to continue her under suspension does not subsist and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

Admittedly, the petitioner was placed under suspension consequent upon a trap laid against her. Obviously, with a view to await the outcome of the criminal proceedings, the respondents did not proceed with the departmental enquiry. By

their very nature, the proceedings before the Special Court would take some time. In several cases, the employees, who are found red-handed in the trap laid down by A.C.B., are acquitted in the criminal cases, several years, after the trap. In such cases, the Government or the employer concerned is required not only to reinstate the employee, but also to pay entire wages for the period of suspension. They are denied the benefit of service of such employees. It is for this reason that the Government had issued orders providing for review of the cases of suspension pending enquiry, during the pendency of A.C.B. cases. Even in those cases, it is made clear, beyond any pale of doubt, that it is ultimately for the employer to examine the desirability of reinstating the employee, and public interest would be the paramount consideration.

It is true that there does not exist any Rules or general orders in the respondent company providing for such review of the cases of employees, placed under suspension, during pendency of A.C.B. cases. However, once the charge sheet has been filed against the petitioner, the same amount of necessity to keep her under suspension, as it existed at the initial stage of proceedings, does not continue. No prejudice, as such, would be caused to the respondent, if the case of the petitioner is reviewed in the light of the submission of charge sheet in the criminal case.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to submit a representation for review of her suspension and as and when it is received, the respondent shall consider the same and pass appropriate orders, within a period of two months thereafter, duly taking into account the gravity of the matter as well as the desirability of reinstating the petitioner. There shall be no order as to costs.

06.01.2006

Note: Issue C.C. in three days.

(B/o)

kdl